#### **REMARKS**

#### 1. Double Patenting

The nonstatutory double patenting rejection is obviated by the accompanying terminal disclaimer filed in compliance with 37 CFR §1.321. A PTO-2038 authorizing a charge for the \$65 terminal disclaimer fee accompanies this Response.

# 2. <u>Information Disclosure Statement of 28 September 2006</u>

Please note that the Information Disclosure Statement submitted on September 28, 2006 (copy enclosed, without references) neglected to include a statement as specified in 37 CFR §1.97(e). Thus, the attorney signing below certifies, on the basis of knowledge supplied by an individual designated in 37 CFR §1.56(c), that each item of information contained in the September 28, 2006 Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement. Therefore, kindly consider the cited references when taking further action on the application. The Commissioner is authorized to charge any fees or credit any overpayments relating to the Information Disclosure Statement to deposit account number 18-2055.

# 3. In Closing

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged.

### For the Applicant,

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#### **ATTACHMENTS:**

- COPY of September 28, 2006 Information Disclosure Statement
- Terminal Disclaimer
- PTO-2038 for Terminal Disclaimer Fee (\$65, 37 CFR §1.20(d))